IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14906 of 2004

Between:

P.Cheeralu, s/o Komaraiah,
Mahabubia High School, Warangal, Warangal District.

..... PETITIONER

AND

1 The Secretary-cum-Correspondent, Mahabubia High School,

Warangal District.
2 The District Educational Officer, Warangal, Warangal District.
3 The Regional Joint Director of School Education, Warangal,

Warangal District.
4 P.Sarala Devi, Mahabubia High School, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in promoting the 4th unofficial respondent for promotion to the post of School Assistant vide Proc.No.13, dt.12-5-2004 by the 1st respondent is illegal, arbitrary and unconstitutional and consequently direct the respondents to set aside the impugned order dt.12-5-2004 and promote the petitioner as School Assistant with all consequential benefits.

Counsel for the Petitioner: MR.M.R.TAGORE

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION

Counsel for the Respondent No.4:

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14906 OF 2004

ORAL ORDER:

The petitioner is working as a Secondary Grade Teacher in the first respondent-School. He acquired the qualifications for appointment as a School Assistant (Arts). He belongs to Scheduled Caste. He claims that as per G.O.Ms.No.5, dated 14-02-2003, he is entitled to have preference in getting promotion in the vacancy meant for Scheduled Caste category, as per the roster mentioned in the said G.O. The petitioner contends that he is entitled to be appointed in the vacancy caused due to promotion of Mr.M.Venu.

2. The documents filed by the petitioner disclose that in the vacancy of Sri M.Venu, Smt. D.Bharathi Devi, School Assistant (Arts) was appointed subject to the approval by the competent authority. But subsequently, it was noticed that the vacancy caused by Mr.Venu relates to School Assistant (Science), therefore, the request of Smt.D.Bharati Devi, has been rejected, and Smt.P.Sarala Devi, School Assistant (Science) was appointed by reverting Smt. D.Bharati Devi, School Assistant (Arts).

3. The petitioner submitted an application on 18-04-2003 requesting to promote him as a School Assistant (Arts) in pursuance of G.O.Ms.No.5 dated 14-02-2003, but no orders have been passed so far, by the first respondent. The petitioner therefore, approached this Court seeking a direction to the first respondent to consider his representation and to pass appropriate orders regarding his request for promotion as School Assistant (Arts).

4. The material placed before this Court is indicating that as on the date of application made by the petitioner, there was a vacancy of Science School Assistant, but that post was filled up by appointing Smt.Saraladevi. The petitioner mentions that Mr.M.Venu, who was promoted from School Assistant, was retiring on 30-04-2003, therefore, the name of the petitioner may be considered for promotion as School Assistant. Subsequent to the date of representation of the petitioner, the said vacancy was filled up, by appointing Smt.Saraladevi as a School Assistant (Science), since that vacancy pertains to School Assistant (Science).

5. The grievance of the petitioner is that he was not given preference in promotion by virtue of G.O.Ms.No.5 dated 14-02-2003. He therefore, seeks a direction to the first respondent to pass appropriate orders on his representation. A representation already filed by the petitioner lost its effect in view of subsequent development, therefore, the petitioner is at liberty to make a fresh representation about his right at the appropriate time, and on the petitioner making such representation, the first respondent may pass appropriate orders according to Rules and G.O.Ms.No.5 dated 14-02-2003.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

23rd August, 2004.

SKM

TO

1 The Secretary-cum-Correspondent, Mahabubia High School,

Warangal District.
2 The District Educational Officer, Warangal, Warangal District.
3 The Regional Joint Director of School Education, Warangal,

Warangal District.
4 Two C.Cs. to G.P. for Education, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.